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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,523	12/12/2001	Yuichi Matsumoto	1232-4798	8524

26272 7590 05/27/2009
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EXAMINER	
TOPGYAL, GELEK W	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
05/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/021,523	MATSUMOTO ET AL.	
	Examiner	Art Unit	
	GELEK TOPGYAL	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 4/27/2009 have been fully considered but they are not persuasive.

3. In re pages 5-7, the applicants present the argument that Yamamoto fails to teach the newly added limitation that “button information” is input by *releasing* a key. Furthermore, the applicants present the argument that Yamamoto fails to suggest that “separate information” is input into the remote controller upon releasing a key.

4. In response, the examiner respectfully disagrees. Firstly, the applicant’s suggestion that Yamamoto is only able to input a digit is by depressing the key is not consistent with the teachings of Yamamoto. In the example, it is taught that a user enters 3 digits "438" using the remote controller for a desired channel. After the user enters “4” on the remote controller, he has to release the "4" key so that the user can continue to enter in numbers 3 and 8. Therefore, Yamamoto's system does allow for button information to be input because a button has to be *depressed* and *released* in

order to enter channel numbers. Furthermore, the instant claim does not recite the limitation that "separate information" is input upon *releasing* a key. Although the claims are interpreted in light of the specification, the specification cannot be read into the claims.

5. As discussed above, the two limitations of "identification information of buttons *depressed* by the cursor in a single operation" and "identification information of buttons *released* by the cursor in a single operation" can be given its broadest interpretation and can be understood to take place during the input of a single key on the remote controller or separately over multiple keys (input of "4" can be associated with depressing a cursor and input of "3" can be associated with releasing a cursor).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al (US 6,523,696) in view of Yamamoto et al. (US 6,166,778).

Regarding claim 1, Saito teaches a control device for remotely controlling a controlled device comprising:

a display unit that displays a control panel of the controlled device (third embodiment, col. 32-37, describes a system that displays a control panel of a secondary devices connected through a network. Figure 28 displays a list of the devices

connected through a network. Figure 31 shows an example of a control panel of a networked device (DVD player) which meets the limitation of displaying a control panel); and

a control unit that produces operation information (third embodiment, col. 32-37, describes a system that displays a control panel of a secondary devices connected through a network. Figure 28 displays a list of the devices connected through a network. Figure 31 shows an example of a control panel of a networked device (DVD player) which meets the limitation of displaying a control panel. The input to the system of Saito allows for the production of operation information via the first AV connection device's input source); and

a communication unit that sends the operation information (third embodiment, col. 32-37, describes a system that displays a control panel of a secondary devices connected through a network. Figure 28 displays a list of the devices connected through a network. Figure 31 shows an example of a control panel of a networked device (DVD player) which meets the limitation of displaying a control panel. The control buttons selected by the user is sent from the first AV connection device to a second AV connection device) to the controlled device,

However, Saito fails to particularly teach wherein the operation information includes a shifting history of a cursor displayed on the control panel and wherein the shifting history includes identification information of buttons depressed by the cursor in a single operation, and wherein the shifting history includes identification information of buttons released by the cursor in a single operation.

Yamamoto teaches the claimed wherein the operation information includes a shifting history of a cursor displayed on the control panel (Figures 4(a)-Figures 4(c) and col. 11, lines 11+, teaches wherein on a display screen, a user has entered three buttons for a desired channel, Thereby creating a history) and wherein the shifting history includes identification information of buttons depressed by the cursor in a single operation and wherein the shifting history includes identification information of buttons released by the cursor in a single operation. (Figures 4(a)-Figures 4(c) and col. 11, lines 11+, teaches wherein on a display screen, a user has entered three buttons for a desired channel, The control data including each button information identifying each button (number) is only sent after the third button is entered by the user, therefore, the presently claimed is met by Yamamoto. Furthermore, as discussed in paragraphs 4 and 5 above, the newly added limitation is also met).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to send a shifting history of a cursor with identification information of buttons depressed by a cursor as taught by Yamamoto into the system of Saito so that desired controls entered by a user is capable of being sent to a controlled device.

Regarding claim 2, Saito teaches that the control device is a TV (Col. 37, lines 3-15) and that the controlled device is a videocassette recorder (col. 34, lines 35-44).

Regarding claim 3, Saito teaches that similar to the VCR and the DVD player, the system has the ability to connect to a digital album server (col. 32, lines 25-32).

Regarding claims 4, 9 and 10, Saito teaches the claimed wherein the communication unit communicates with the controlled device via a serial bus conformed to IEEE 1394 protocol (Fig. 27, col. 32, lines 33-58, col. 32, lines 15-24).

Regarding claim 5, Saito teaches a controlled device controlled remotely by a control device comprising:

a communication unit that sends a control panel of the controlled device to the control device (third embodiment, col. 32-37, describes a system where a first AV connection device 204, by way of a terminal (TV), sends a request to the second AV connection device 205 for a command list, in response to the request, the second AV connection device 205 transmits text linking the first AV connection device 204 to the control panel of a secondary devices connected to the secondary AV connection device 205 (VTR, DVD player). Figure 28 shows a list of the devices connected through a network. Figure 31 shows an example of a control panel of a networked device (DVD player) which meets the limitation of having sent the control panel to the control device (TV)); and receives operation information from the control device (third embodiment, col. 32-37 discloses that when a menu for a device (DVD Player, Fig. 31) is displayed, the user has the ability to select the any of the options available (Fig. 31, i201-i210), when selected by way of clicking on the buttons i201-i210 a corresponding command to the user's clicking is sent to the DVD player or VTR player. The command sent from by way of user selection by clicking on a choice i201-210 is received by the DVD player or VTR player); and

a control unit that controls said controlled device using the operation information (third embodiment, col. 32-37 discloses that when a menu for a device (DVD Player, Fig. 31) is displayed, the user has the ability to select the any of the options available (Fig. 31, i201-i210), when selected by way of clicking on the buttons i201-i210 a corresponding command to the user's clicking is sent to the DVD player or VTR player. The command sent from by way of user selection by clicking on a choice i201-210 is received by the DVD player or VTR player. Furthermore, the operation information (i201-i210 received by the DVD player or VTR player or the like is implemented, such as, power on, play, stop, etc.),

However, Saito fails to particularly teach wherein the operation information includes a shifting history of a cursor displayed on the control panel and wherein the shifting history includes identification information of buttons depressed by the cursor in a single operation; and wherein the shifting history includes identification information of buttons released by the cursor in a single operation.

Yamamoto teaches the claimed wherein the operation information includes a shifting history of a cursor displayed on the control panel (Figures 4(a)-Figures 4(c) and col. 11, lines 11+, teaches wherein on a display screen, a user has entered three buttons for a desired channel, Thereby creating a history) and wherein the shifting history includes identification information of buttons depressed by the cursor in a single operation and wherein the shifting history includes identification information of buttons released by the cursor in a single operation. (Figures 4(a)-Figures 4(c) and col. 11, lines 11+, teaches wherein on a display screen, a user has entered three buttons for a

desired channel, The control data including each button information identifying each button (number) is only sent after the third button is entered by the user, therefore, the presently claimed is met by Yamamoto. Furthermore, as discussed in paragraphs 4 and 5 above, the newly added limitation is also met).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to send a shifting history of a cursor with identification information of buttons depressed by a cursor as taught by Yamamoto into the system of Saito so that desired controls entered by a user is capable of being sent to a controlled device.

Regarding claim 6, Saito teaches that the control device is a TV (Col. 37, lines 3-15) and that the controlled device is a videocassette recorder (col. 34, lines 35-44).

Regarding claim 7, Saito teaches that similar to the VCR and the DVD player, the system has the ability to connect to a digital album server (col. 32, lines 25-32).

Regarding claims 8, 11 and 12, Saito teaches the claimed wherein the communication unit communicates with the controlled device via a serial bus conformed to IEEE 1394 protocol (Fig. 27, col. 32, lines 33-58, col. 32, lines 15-24).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621